

Date

Mr. Christopher D. Abadie, P.E.  
3522 Hundred Oaks Avenue  
Baton Rouge, Louisiana 70808

**Re: Ethics Board Docket No. 2015-1383**

Dear Mr. Abadie:

The Louisiana Board of Ethics, at its February 19, 2016 meeting, considered your request for an advisory opinion as to whether you, a Materials Engineer Administrator with the Department of Transportation and Development (DOTD), may, on your retirement, accept a position as a quality manager with a company that produces a product currently approved to be used on DOTD projects. You stated that, as the Materials Engineer Administrator, you were responsible for the quality assurance of materials, which involves administering engineers and technicians that are responsible for reviewing test results and performing tests of various producers and/or suppliers. Currently, there are over 700 producers and/or suppliers that your department reviews test results and lists as potential suppliers for contractors who bid on state highway contracts. Through review of test results, the materials labs verifies that the producer and/or supplier is capable of meeting standard specifications.

You further stated that you are the appointing authority and division head with supervisory responsibilities for 54 classified employees in your division. You stated that your primary job function is the administration of the Quality Assurance Program for DOTD.

You stated that you are eligible for retirement. You stated that you are interested in obtaining a position as a quality manager with a company that produces a product that is currently approved for use by contractors on work for DOTD. As a quality manager, you would be responsible for providing documentation that describes the product characteristics and you would be responsible for reporting test data to the company management and employees. The other employees would use these reports or documents produced by you in communicating the quality of the product to the end user or agency, i.e., DOTD. You stated that you would not be involved in any decisions regarding DOTD or have contact with DOTD regarding the product.

The Board concluded, and instructed me to inform you, that the Code of Governmental Ethics would prohibit you, for a period of two years following the termination of your employment with DOTD, from assisting any company on any testing, test data, or other documents that may be used in connection with any product that is or would be subject to quality assurance by DOTD's Quality Assurance Program. Further, the Board concluded, that you would be prohibited, for a period of two years following the termination of your employment with DOTD, from assisting any company on any

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testing, test data, or other documents that may be used in connection with any product that is used by DOTD and was quality tested while you were the head of the Quality Assurance Program. **La. R.S. 42:1121A(1)** provides that no former agency head or elected official shall, for a period of two years following the termination of his public service as the head of such agency or as an elected public official serving in such agency, assist another person, for compensation, in a transaction, or in an appearance in connection with a transaction, involving that former agency or render any service on a contractual basis to or for such agency. **La. R.S. 42:1121B** provides that no former public employee shall, for a period of two years following the termination of his public employment, assist another person, for compensation, in a transaction, or in an appearance in connection with a transaction, in which such former public employee participated at any time during his public employment and involving the governmental entity by which he was formerly employed, or for a period of two years following the termination of his public employment, render, any service which such former public employee had rendered to the agency during the term of his public employment on a contractual basis, regardless of the parties to the contract, to, for, or on behalf of the agency with which he was formerly employed.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Ethics. The Board issues no opinion as to past conduct or as to laws other than the Code of Governmental Ethics. If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

**LOUISIANA BOARD OF ETHICS**

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Tracy M. Barker  
For the Board